

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

CECELIA GASKINS,)	
	)	CIVIL ACTION FILE NO.:
Plaintiff,)	
)	
v.)	
	)	[Removed from
	)	The Superior Court of
WAL-MART STORES EAST, LP d/b/a	)	Forsyth County;
WAL-MART	)	Civil Action File No.
	)	22CV-1967-2]
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants WAL-MART STORES EAST, LP (“Defendant”), by and through counsel, within the time prescribed by law, and without waiving any defenses, file this Notice of Removal, respectfully showing this Honorable Court, as follows:

1.

Plaintiff Cecelia Gaskins filed a negligence suit against the Defendant in the Superior Court of Forsyth County, Georgia styled as above and numbered as Civil Action File No. 22CV-1967-2. Forsyth County is in the Gainesville Division of this Court. 28 U.S.C. § 90 (a)(2).

2.

Upon information and belief, Plaintiff is a citizen of the State of Georgia.

3.

Defendant Wal-Mart Stores East, LP is a Delaware limited partnership, of which WSE Management, LLC is the sole general partner and WSE Investment, LLC is the sole limited partner. Both WSE Management, LLC and WSE Investment, LLC are Delaware limited liability companies with principal places of business in Arkansas. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC. Wal-Mart Stores East, LLC is an Arkansas limited liability company with its principal place of business in Arkansas. The sole member of Wal-Mart Stores East, LLC is Walmart Inc. Walmart Inc. is a Delaware corporation with its principal place of business in Bentonville, Arkansas. As such, Walmart Stores East, LP and none of its partners are or were citizens of the State of Georgia at the time of, or immediately prior to, the filing and service of this lawsuit, or at any time thereafter. (*See* Georgia Secretary of State and Delaware Secretary of State documents, attached hereto as Exhibit “C”).

4.

Complete diversity of citizenship exists between Plaintiff and Defendant.

5.

Defendant Wal-Mart Stores East, LP received service of summons and a

copy of the Complaint on January 10, 2023. (*See* Sheriff’s Entry of Service, attached hereto as Exhibit “B”).

6.

Defendant has timely removed this case pursuant to 28 U.S.C. §1446(b)(1) which provides that the “notice of removal of a civil action or proceeding shall be filed within thirty (30) days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based” This Notice of Removal is filed within thirty days of the service of Plaintiff’s Complaint upon Defendant on January 10, 2023. (*See* Sheriff’s Entry of Service, attached hereto as Exhibit “B”).

7.

Plaintiff’s Complaint prays for a judgment of no less than \$500,000. (Complaint at p. 3, attached here to as Exhibit “A”)

8.

Accordingly, the amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1332.

9.

This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332(a) and 1441 because complete diversity exists between the parties and the amount in controversy exceeds \$75,000.00.

10.

Pursuant to 28 U.S.C. § 1446, Defendants have attached as Exhibit “D” copies of all process, pleadings and Orders that were served on and/or provided to Defendant, including copies of all pleadings that have been filed to date in the State Court of Fulton County, Georgia for the above-styled case.

11.

Pursuant to 28 U.S.C. §1446, Defendant is not required to file a removal bond.

12.

A true and correct copy of this Notice of Removal shall be filed with the Clerk of the Superior Court of Forsyth County, as required by 28 U.S.C. §1446.

13.

Written notice of the filing of this Notice of Removal shall be given to all Parties, through their counsel of records, as required by 28 U.S.C. §1446.

WHEREFORE, Defendants pray that the above-captioned lawsuit would be removed to and proceed in the United States District Court for the Northern District of Georgia, Gainesville Division.

(SIGNATURE PAGE FOLLOWS)

This 9th day of February, 2023.

WALDON ADELMA CASTILLA
HIESTAND & PROUT

/s/ Kyle Joyce
Jonathan M. Adelman
Georgia Bar No. 005128
Kyle Joyce
Georgia Bar No. 960181
Attorneys for Defendant

900 Circle 75 Parkway
Suite 1040
Atlanta, Georgia 30339
(770) 953-1710
jadelman@wachp.com
kjoyce@wachp.com

CERTIFICATE OF COMPLIANCE

On this date, the undersigned hereby certifies that the foregoing pleading complies with the font and point selections approved by the Court pursuant to Local Rule 5.1B. The foregoing pleading has been prepared in 14-point Times New Roman font.

This 9th day of February, 2023.

WALDON ADELMA CASTILLA
HIESTAND & PROUT

/s/ Kyle Joyce _____
Jonathan M. Adelman
Georgia Bar No. 005128
Kyle Joyce
Georgia Bar No. 960181
Attorneys for Defendant

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

APRIL LOWE,)	
	)	CIVIL ACTION FILE NO.:
Plaintiff,)	
)	
v.)	
	)	[Removed from
	)	The State Court of
WAL-MART STORES EAST, LP and	)	Fulton County;
WALMART, INC.	)	Civil Action File No.
	)	22EV002379]
)	
Defendants.)	

CERTIFICATE OF SERVICE

I hereby certify that, on this the *9th* day of February, 2023, I electronically filed the foregoing *Notice of Removal* with the Clerk of this Court using the CM/ECF system which will automatically provide notice of such filing via electronic mail to the following attorney(s) of record:

Jody Peterman
Jody D. Peterman
PO Box 6010
Valdosta, GA 31603
petermanlawoffice@yahoo.com

This 9th day of February, 2023.

WALDON ADELMA CASTILLA
HIESTAND & PROUT

/s/ Kyle Joyce
Jonathan M. Adelman
Georgia Bar No. 005128
Kyle Joyce
Georgia Bar No. 960181
Attorneys for Defendant

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